

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This response is submitted in response to the Final Office Action mailed June 7, 2004, to request reconsideration of the rejection of claims 10, 11, 14, 16, 18, 20, 22, 24 and 26 as set forth therein. In the event the Examiner determines that the foregoing amendments do not place the case in condition for allowance, it is respectfully requested that the above amendments be entered to place the claims in better form for consideration on appeal.

Initially, Applicant would like to thank the Examiner for indicating the allowability of claims 19-22 if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

The Examiner states that the IDS filed on April 22, 2004, fails to comply with 37 C.F.R. 1.98(a)(3) because it does not include a concise explanation of the relevance of the foreign references. Further, the Examiner states that Applicant's submittal of the IDS's relevance is limited (2-3 lines).

In response, Applicant respectfully submits that the relevance of the IDS is that the foreign references were cited in a Japanese Office Action for the corresponding foreign application. Further, Applicant respectfully submits that along with the IDS, a 2-page translation of the Japanese Office Action was submitted and received by the USPTO (as evidenced by the stamped dated postcard receipt enclosed). Applicant respectfully re-submits a copy of the translation of the foreign Office Action, along with a copy of the stamped postcard receipt.

In view of the above, Applicant respectfully requests that the Examiner consider the IDS submitted on April 22, 2004.

The Examiner rejects claims 3-4, 7-8, 13-14 and 17-18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner asserts that the limitation “the prescribed period of time” at the end of the claims is unclear and it is not known which time “the prescribed period of time” is referring to.

In response, Applicant has cancelled claims 3-4, 7-8, 13-14 and 17-18, thereby rendering the rejection moot. However, as Applicant has amended claims 9, 10, 19 and 20 to include the limitations of claims 7, 8, 13 and 14, respectively, Applicant has amended the language of the claims to recite the step as “designating the readout of the text data during a prescribed period of time after the cellular phone receives a connection signal from the base station in response to an answer by the called party”.

Support for the above is found throughout the specification. Specifically, on page 3, lines 17-23, it is disclosed that: “According to the present invention, audio data stored in a built-in memory of a mobile device is reproduced and transmitted to the other end after a predetermined period of time has passed from when the mobile device receives a connection (CONN) signal sent from a base station in response to an answer of the other party, or after transmitting a connection acknowledge (CONN ACK) signal corresponding to the reception of the CONN signal”. Further, on page 6, lines 13-17, it is disclosed that: “When a call is set up under this condition, predetermined audio data is read from the memory 204 or 204 after a prescribed period of time has passed from when the mobile device receives a CONN signal from a base station, and the audio data is automatically reproduced.” Accordingly, Applicant submits that no new matter has been added by way of the amendment to the claims. Further, no new issue is

raised by way of the amendment as the language was added to simply clarify the meaning of the claims.

The Examiner rejects claims 2, 3-4, 6-10, 12-14 and 16-18 under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent No. 6,577,859 to Zahavi et al (hereinafter "Zahavi"). The Examiner rejects claims 2, 3-4, 6-10, 12-14 and 16-18 under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 5,742,905 to Pepe et al (hereinafter "Pepe").

In response, Applicant has cancelled claims 2, 3-4, 7-8, 12-14 and 17-18, thereby rendering their rejection moot. Applicant has amended allowable dependent claims 19-20 to independent form, and amended claim 16 to depend on claim 19. Therefore, Applicant respectfully submits that claims 19-22 and 16 are now allowable.

Further, Applicant has amended claims 9 and 10 to independent form, and have amended claim 6 to depend on claim 9. The Examiner states that apparatus claims 19-22 contain allowable subject matter. However, Applicant respectfully submits that analogous method claims 9 and 10 should also be considered to contain allowable subject matter. Claims 9 and 10 recite indicating completion of the transmission on the display after the transmission of the converted audio data is finished, reading out another item of text data stored in the memory and supplying the text data to the text-to-speech converter while retaining the call, converting the text data into audio data at the text-to-speech converter, and sending the converted audio data to the radio transmitter/receiver in succession. Zahavi and Pepe fail to disclose this limitation, as impliedly admitted by the Examiner in the allowance of analogous apparatus claims 19-22.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. 102(e) rejection of claims 6 and 9-10 under Zahavi, and the 35 U.S.C. 102(b) rejection of claims 6 and 9-10 under Pepe, and respectfully requests allowance of claims 6, 9-10, 16 and 19-22.

Lastly, Applicant has added claims 23-30, which correspond to original claims 5-8 and 15-18, some of which were cancelled in the previous response and some in the current response. Therefore, Applicant respectfully submits that no new matter has been added neither is any new issue raised by the addition of claims 23-30. Further, independent method claim 23 specifically recites the step of reading out text data stored in a memory and converting the text data into audio data at a text-to-speech converter in the cellular phone. Independent apparatus claim 27 recites memories for storing inputted character data as text data and a text-to-speech converter for converting the text data into audio data in the cellular phone. Claims 24-26 and 28-30 depend on independent claims 23 and 27.

On the other hand, the cited reference of Pepe, as seen in Fig. 18 and in Col. 21, lines 45-54, the PDA sends a response (line 352) to the PCI server 48 and a short text message, and the text message is converted to an audio signal by the server 48. The PDA is not capable of converting the text to audio. Further, Zahavi, in Col. 6, lines 1-39, teaches that the user can activate terminal function keys that correspond to certain audio responses, such as “yes”, “no”, “maybe” or any other pre-recorded response set by the user. The terminal does not have means for converting a text to an audio signal, but simply requires that pre-recorded messages that correspond to terminal function keys can be played to the called party.

Therefore, Applicant respectfully submits that the cited references of Pepe and Zahavi fail to disclose or make obvious the limitations of new claims 23-30. Accordingly, Applicant respectfully requests allowance of claims 23-30, along with claims 6, 9-10, 16 and 19-22.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's

attorney would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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